

IN THE MATTER OF THE
THE APPLICATION OF
GILBERT L. KERR
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHEAST
SIDE NEWTON ROAD, 368.58'
NORTHEAST OF NORTH POINT RD.
(3107 NEWTON ROAD)
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

OPINION

This case comes before the Board on appeal from a decision of the Deputy Zoning Commissioner granting the Petition for Zoning Variance to allow an accessory building to be located in the front yard in lieu of the rear yard. The Petitioner, Mr. Gilbert Kerr, appeared and advised this Board that he was the owner of the premises and submitted a plat showing the location of the house and the location of the proposed accessory building. This accessory building has been referred to as a shed and the uses of that building were described by Mr. Kerr. Mr. Kerr described the location of his home and the impossibility of locating this structure in any other portion of the rear or side of the dwelling. The existing shed in the side yard and the existing "playhouse" in the front yard are to be removed and replaced by the proposed 16-foot by 24-foot accessory structure. The Board's file showed photographs of the proposed structure as it exists. Mr. Kerr told the Board that this accessory structure would be used for storage as well as a shop in which he could do woodworking, and that this structure would be in conformity with the existing dwelling on that property.

The former owner of the property and now the rear neighbor, Mr. Eugene Davidson, told the Board that he believed the structure

Case No. 91-224-A Gilbert L. Kerr, et ux

as proposed was too large for the surrounding neighborhood. He also asked that the setback of 2-1/2 feet from the chain-link fence be kept.

There appeared to be some controversy between Mr. Kerr and Mr. Davidson as to exactly where the side property line exists; Mr. Kerr claiming the property line is some 2 feet from the chain-link fence, and Mr. Davidson testifying the chain link fence sits on the property line.

It is clear from the evidence presented that the variance requested should be granted as there is no adverse effect on the health, safety and/or general welfare of the public, and practical difficulty and/or unreasonable hardship exists due to the location of the dwelling on the lot. However, it appears to this Board that the accessory structure requested by the Petitioner is not in keeping with the existing character of the neighborhood. The Board views this structure as too large and not within the bounds necessary to be useful as a storage shed.

ORDER

FOR THE AFOREGOING REASONS, IT IS THEREFORE this 26th day of July, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Variance to permit an accessory building to be located in the front yard in lieu of the rear yard be and is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day

OFFICE RECEIVED FOR FILING

Date 10/15/91 By [Signature]

Case No. 91-224-A Gilbert L. Kerr, et ux

appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The relief granted herein is limited to a 16' x 10' structure in lieu of the proposed 16' x 24' structure. Said structure shall not exceed 15 feet in height and shall be placed a minimum of 2.5 feet from the property line in the location shown on Petitioner's Exhibit No. 1.
3. Prior to the issuance of any permits, Petitioners shall submit a revised site plan to the Deputy Zoning Commissioner incorporating the modified relief granted herein.
4. Petitioner shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit and/or apartments. The proposed shed shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
5. The two existing sheds shall be removed from the property upon completion of the new structure.
6. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Arnold G. Foreman, Acting Chairman

Harry E. Buchheister, Jr.

Lynn B. Moreland

OFFICE RECEIVED FOR FILING

Date 10/15/91 By [Signature]

movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

After due consideration of the testimony and evidence presented, it is clear the relief requested, if modified, would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. In the opinion of the Deputy Zoning Commissioner, the size and height of the proposed shed is larger than necessary to meet the Petitioners' needs. Therefore, a variance will be granted for a smaller structure.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as hereinafter modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of February, 1991 that the Petition for Zoning Variance to permit an accessory building to be located in the front yard in lieu of the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

IN RE: PETITION FOR ZONING VARIANCE
381/3 Newton Road, 468.58' NE
of North Point Road
(3107 Newton Road)
12th Election District
7th Councilmanic District
Gilbert L. Kerr, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-224-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory building to be located in the front yard in lieu of the rear yard in accordance with Petitioner's Exhibit 1.

The Petitioners, by Gilbert Kerr, appeared and testified. Theodore A. Cavacos, Esquire originally filed the Petition on behalf of the Petitioners; however, Mr. Kerr appeared at the hearing unrepresented. Appearing as Protestants in the matter were Eugene Davidson and Jackie E. Caddell.

Testimony indicated that the subject property, known as 3107 Newton Road, consists of 9,475 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and two sheds. Said property is located within the Chesapeake Bay Critical Areas on Back River. Petitioners are desirous of removing the two sheds, which are presently located in the side and front yards, and replacing them with one 24' x 16' shed in the front yard in the location shown on Petitioner's Exhibit 1. Testimony indicated that Petitioners began construction of the new shed last August without benefit of a building permit. Subsequently, a complaint was filed by Eugene Davidson with the Zoning Enforcement Office and Petitioners were advised to file the instant Petition. Mr. Kerr testified that he purchased the subject property from Mr. Davidson approximately 3 years ago at which time

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Date 10/15/91 By [Signature]

and be responsible for returning, said property to its original condition.

- 2) The relief granted herein is limited to a 16' x 10' structure in lieu of the proposed 16' x 24' structure. Said structure shall not exceed 15 feet in height and shall be placed a minimum of 2.5 feet from the existing chain link fence along the side property line in the location shown on Petitioner's Exhibit 1.

3) Prior to the issuance of any permits, Petitioners shall submit a revised site plan to the Deputy Zoning Commissioner incorporating the modified relief granted herein.

4) Petitioner shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit and/or apartments. The proposed shed shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

5) The two existing sheds shall be removed from the property upon completion of the new structure or no later than May 1, 1991.

6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated February 6, 1991, attached hereto and made a part hereof.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

OFFICE RECEIVED FOR FILING

Date 10/15/91 By [Signature]

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 21, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SE/S Newton Road, 368.58' NE of North Point Road
(3107 Newton Road)
12th Election District, 7th Councilmanic District
GILBERT L. KERR, ET UX - Petitioner
Case No. 91-224-A

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on March 20, 1991 by Gilbert L. Kerr,
Petitioner. All materials relative to the case are being forwarded
herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Gilbert L. Kerr - 3107 Newton Road, Balto., MD 21219

Eugene Davidson & Jackie E. Caddell
3114 Roger Road, Balto., MD 21219

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance
SE/S Newton Road, 368.58' NE of North Point Road
(3107 Newton Road)
12th Election District - 7th Councilmanic District
GILBERT L. KERR, ET UX - Petitioner
Case No. 91-224-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication (None in file)

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Violation Notice

Petitioner's Exhibits: 1. Plat to accompany Petition
2. Letters from neighbors (No objections)
3. Photograph from all sides of building

Protestant's Exhibits: 1. Photographs of building from neighbor's
view

Deputy Zoning Commissioner's Order dated February 25, 1991 (Granted
with restrictions)

Notice of Appeal received March 20, 1991 from Gilbert L. Kerr,
Petitioner

cc: Gilbert L. Kerr - 3107 Newton Road, Balto., MD 21219

Eugene Davidson & Jackie E. Caddell
3114 Roger Road, Balto., MD 21219

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney
Public Services

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 25, 1991

Mr. & Mrs. Gilbert L. Kerr
3107 Newton Road
Baltimore, Maryland 21219

RE: PETITION FOR ZONING VARIANCE
SE/S Newton Road, 368.58' NE of North Point Road
(3107 Newton Road)
12th Election District - 7th Councilmanic District
Gilbert L. Kerr, et ux - Petitioners
Case No. 91-224-A

Dear Mr. & Mrs. Kerr:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Zoning Variance has been granted
in accordance with the attached Order.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Eugene Davidson
3114 Roger Road, Baltimore, Md. 21219

Chesapeake Bay Critical Areas Commission
Tawes State Office Bldg., D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is
described in the description and plat attached hereto and made a part hereof, hereby petition for a
Variance from Section 400.1 to allow an accessory building to be built
in the front yard in lieu of the rear yard.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the
following reasons: (indicate hardship or practical difficulty)

There is no other place suitable to build. Bldg.
is being constructed in front yard. Front door faces
proposed bldg. shed on side will be removed. Rear yard
extends only 5 ft.; setback from property line is correct.
(see notes on pictures)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm
under the penalties of perjury that I/we
are the legal owner(s) of the property
which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted

Name

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 25 day

of 1991, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 7 day of Feb., 1991, at 2 o'clock

P. M.

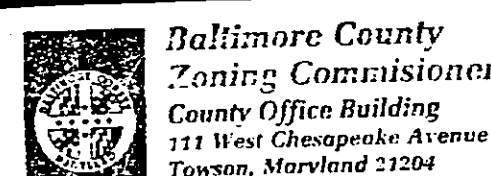
ESTIMATED LENGTH OF HEARING - 1/2 HR. - 1 HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT 360 MONTHS

ALL OTHER DATE 11-2-91 (over)

REVIEWED BY: J. Robert Haines



Account: R-001-6150
Number

Receipt
No 3757

Date

1/25/91

PUBLIC HEARING FEE

QTY PRICE

ONE ZONING VARIANCE (FRL)

1 X \$35.00

TOTAL: \$35.00

LAST NAME OF OWNER: KERR

0440440072HICHC
BA C01D:09AH10-24-90
\$35.00

Please make checks payable to: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 1/24/91

Posted for: J. Robert Haines

Petitioner: Gilbert L. Kerr, et ux

Location of property: Lynch Point, 420' NE of North Point Road

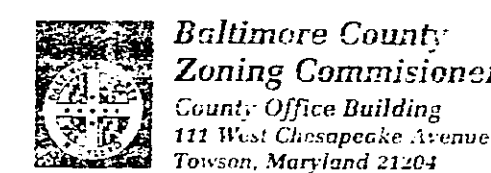
Location of Sign: 3107 Newton Rd. across b/c road way, on

property of Petitioner

Remarks: M. Haines

Posted by: M. Haines Date of return: 1/25/91

Number of Signs: 1



Account: R-001-6150
Number

receipt

91-224-A

Date

1/25/91

PUBLIC HEARING FEE

QTY PRICE

ONE ZONING VARIANCE (FRL)

1 X \$35.00

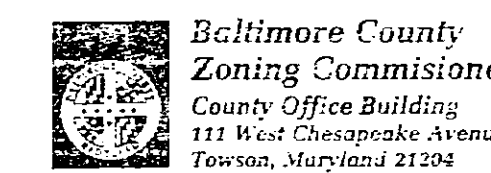
TOTAL: \$35.00

LAST NAME OF OWNER: KERR

0440440072HICHC
BA C01D:09AH10-24-90
\$35.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



Account: P-001-6150
Number

receipt

91-224

Date

1/25/91

PUBLIC HEARING FEE

QTY PRICE

ONE ZONING VARIANCE (FRL)

1 X \$35.00

TOTAL: \$35.00

LAST NAME OF OWNER: KERR

0440440072HICHC
BA C01D:09AH10-24-90
\$35.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1/24/91

Mr. & Mrs. Gilbert L. Kerr
3107 Newton Road
Baltimore, Maryland 21219

RE:

Case Number: 91-224-A
Lynch Point, 420' NE of North Point Road
3107 Newton Road
12th Election District - 7th Councilmanic
District
Petitioner(s): Gilbert L. Kerr, et ux
HEARING: THURSDAY, FEBRUARY 7, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 54.00 is due for advertising and posting of the above
captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE
ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE
HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post
set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson,
Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Theodore A. Cavazos, Esq.,

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 17, 1990

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-224-A
Lynch Point, 420' NE c/l of North Point Road
3107 Newton Road
12th Election District - 7th Councilmanic
Petitioner(s): Gilbert L. Kerr, et ux
HEARING: THURSDAY, FEBRUARY 7, 1991 at 2:00 p.m.

Variance to allow an accessory building to be built in the front yard in lieu of the rear yard.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Gilbert L. Kerr, et ux
Theodore A. Cavacos, Esq.
Gene Davidson

AKROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 29, 1991

Theodore A. Cavacos, Esquire
929 W. 36th Street
Baltimore, MD 21211

RE: Item No. 177, Case No. 91-224-A
Petitioner: Gilbert L. Kerr, et ux
Petition for Zoning Variance

Dear Mr. Cavacos:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Gilbert L. Kerr
3107 Newton Road
Baltimore, MD 21219

AKROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
21th day of November, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Julie Winarski
Julie Winarski
Zoning Plans Advisory Committee

Petitioner: Gilbert L. Kerr, et ux

Petitioner's Attorney: Theodore A. Cavacos

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 4, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Gilbert L. Kerr, Item No. 177

The Petitioner requests a Variance to allow an accessory building to be built in the front yard in lieu of the rear yard.

Should the Petitioner's request be granted, staff recommends that restrictions pertaining to the following be placed in the Order:

- Living quarters shall not be permitted in the garage.
- The applicant or subsequent owners shall be enjoined from improving the accessory building with kitchen or bathroom facilities.
- Storage shall be limited to the personal property of the owner and/or tenants of the premises.

If there should be any questions or if additional information is required, please contact me at 887-3211.

JL/cmm
ITEM177/ZAC1

received
12/11/90

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
(801) 887-3554

November 28, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers, 177, 181, 182, 186, 189, 193, 194, 195, 196, 199, 201, and 202.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

received
12/13/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5300
(301) 887-4500

Paul H. Reincke
Chief

NOVEMBER 28, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GILBERG L. KERR

Location: #3107 NEWTON ROAD

Item No.: 177 Zoning Agenda: NOVEMBER 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
11/24/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
NOVEMBER 15, 1990

received
11/21/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 177
PROPERTY OWNER: Gilbert L. Kerr, et ux

LOCATION: Lynch Point, 420' NE of centerline North Point Rd
(#3107 Newton Road)
ELECTION DISTRICT: 12th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: November 27, 1990

FROM: Robert W. Baul, P.E.

RE: Zoning Advisory Committee Meeting
for November 27, 1990

The Development Engineering Division has reviewed the subject zoning item and has prepared the following comments:

The subject zoning item is a proposed accessory building located at the rear of the property.

The subject zoning item is a proposed accessory building located at the rear of the property.

The subject zoning item is a proposed accessory building located at the rear of the property.

Robert W. Baul
Robert W. Baul, P.E.
Development Engineering Division

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

DATE: October 29, 1990

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 177 (if known)
Petitioner: Gilbert L. and Linda Kerr (if known)

VIOLATION CASE # C-97-409

LOCATION OF VIOLATION 3107 Newton Road

DEFENDANT Gilbert L. and Linda L. Kerr

ADDRESS 3107 Newton Road Baltimore, MD 21219

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Gene Davidson	3114 Roger Road Baltimore, MD 21219

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 7, 1991

Mr. & Mrs. Gilbert L. Kerr
3107 Newton Road
Baltimore, Maryland 21219

RE: Petition for Zoning Variance
3107 Newton Road
Case No. 91-224-A

Dear Mr. & Mrs. Kerr:

In response to your letter dated March 4, 1991 regarding the above-captioned matter, the following comments are offered.

I have reviewed the information contained in your letter and believe that the decision rendered was made with due consideration of all testimony and evidence presented. As previously advised, if you are not satisfied with the decision rendered, you have the right to file an appeal to the County Board of Appeals provided you do so within thirty (30) days of the date of the Order. Should you wish to pursue the appeal process, please contact our Appeals Clerk, Ms. Charlotte Radcliffe, at 887-3391 for further information.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: Case File



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 26, 1991

Mr. & Mrs. Gilbert L. Kerr
3107 Newton Road
Baltimore, MD 21219

RE: Case No. 91-224-A
Gilbert L. Kerr, et ux

Dear Mr. & Mrs. Kerr:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Eugene Davidson /Jackie E. Caddell
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
of Zoning Administration

5/8/91 - Following parties notified of hearing set for October 18, 1991 at 1:00 p.m.:

Mr. Gilbert L. Kerr
Eugene Davidson & Jackie E. Caddell
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

6/5/91 - Above parties notified of REASSIGNMENT to July 12, 1991 at 1:00 p.m. at request of Appellants/Petitioners.



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 8, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-224-A
GILBERT L. KERR, ET UX
SE/s Newton Rd., 368.58' NE of
North Point Rd. (3107 Newton Rd.)
12th Election District
7th Councilmanic District
VAR-Accessory building in front yard
in lieu of rear yard (shed).
2/25/91 - D.Z.C.'s Order GRANTING Petition
with restrictions.

ASSIGNED FOR: FRIDAY, OCTOBER 18, 1991 AT 1:00 p.m.

cc: Mr. Gilbert L. Kerr Petitioner/Appellant

Eugene Davidson and Jackie E. Caddell

People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. June 5, 1991

NOTICE OF REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-224-A
GILBERT L. KERR, ET UX
SE/s Newton Rd., 368.58' NE of
North Point Rd. (3107 Newton Rd.)
12th Election District
7th Councilmanic District

VAR-Accessory building in front yard
in lieu of rear yard (shed).

2/25/91 - D.Z.C.'s Order GRANTING Petition
with restrictions.

which was scheduled for hearing on October 18, 1991 at 1:00 p.m. has been REASSIGNED at the request of Petitioners/Appellants and has been

REASSIGNED FOR: FRIDAY, JULY 12, 1991 AT 1:00 p.m.

cc: Mr. Gilbert L. Kerr Petitioner/Appellant

Eugene Davidson and Jackie E. Caddell

People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: February 6, 1991

FROM: Mr. Donald C. Dutten

SUBJECT: Petition for Zoning Variance - Item 177
Kerr Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 3107 Newton Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Gilbert L. Kerr

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit "an accessory building to be built in the front yard in lieu of the rear yard."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.01.02>

Memo to Mr. J. Robert Haines
February 6, 1991
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This proposed garage is located approximately 200 feet from the tidal waters of Back River. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.

Finding: No tidal or non-tidal wetlands were found within the vicinity of this proposed garage.

3. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15% <COMAR 14.15.02.04 C.(5)>."

Finding: This site presently has forest cover of at least 15%, therefore, no additional trees shall be required. However, planting additional trees is beneficial. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

4. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The sum of existing impervious areas is 16% of the site. The applicants indicate that they are removing two sheds in conjunction with building the garage. This will keep the sum of impervious areas at 16% of the site.

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

Memo to Mr. J. Robert Haines
February 6, 1991
Page 3

- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.
- (4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state (Baltimore County Code, Section 22-217(h)).

Findings: To comply with the above regulation, the applicants agree that rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Donald C. Outen
Donald C. Outen, Acting Director
Department of Environmental Protection
and Resource Management

DCO:DCF:ju

Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Vincent Gardina
The Honorable Donald Mason
Mrs. Janice B. Outen
Mr. & Mrs. Gilbert L. Kerr, w/a

PLANT ASSOCIATION: UPLAND MOIST

NAME	RELATIVE ABUNDANCE
VEGETATIVE STRATA - SHRUBS AND SMALL TREES	
<u>Asimina triloba</u>	(Paw Paw) Abundant
<u>Amelanchier canadensis</u>	(Canadian Serviceberry) Abundant
<u>Amelanchier laevis</u>	(Serviceberry) Abundant
<u>Amelanchier canadensis</u>	(Obovate Serviceberry) Abundant
<u>Claytonia virginica</u>	(Sweet Pepperbush) Abundant
<u>Cornus amomum</u>	(Silky Dogwood) Local
<u>Cornus florida</u>	(Flowering Dogwood) Freq. Abund.
<u>Gaultheria procumbens</u>	(Huckleberry) Abundant
<u>Ilex opaca</u>	(American Holly) Abundant-Freq.
<u>Ilex verticillata</u>	(Tassel-White) Infrequent
<u>Kalmia latifolia</u>	(Lamo-Kill) Abundant
<u>Kalmia angustifolia</u>	(Mountain Laurel) Abundant
<u>Leucothoe racemosa</u>	(Fetter-Bush) Abundant
<u>Lindera benzoin</u>	(Common Spicebush) Frequent
<u>Lyonia ligustrina</u>	(Maia-Berry) Frequent
<u>Myrica pensylvanica</u>	(Bayberry) Frequent
<u>Prunus serotina</u>	(Black Cherry) Abundant
<u>Prunus virginiana</u>	(Choke Cherry) Local
<u>Rhododendron nudiflorum</u>	(Pinaster Flower) Infrequent

-8-

Mr. & Mrs. Gilbert L. Kerr
3107 Newton Road
Baltimore Maryland 21219

March 4, 1991

Ann M. Nastarowicz
Deputy Zoning Commissioner
Baltimore County, Maryland

Re: Case No. 91-224-A

Dear Ms. Nastarowicz:

I would like to express my appreciation regarding the decision you rendered pursuant to my appeal for a zoning variance to permit "an accessory building in the front yard in lieu of the back yard". I am however, deeply concerned and very dramatically affected by some of the restrictions embodied in your decision. As a consequence we pray a "motion for reconsideration" of those restrictions.

The following arguments are offered to support our request for reconsideration:

1. "...limited to a 16' x 10' structure." The structure as designed, and presently erected, provides a 20' x 10' enclosed shed. The additional square dimensions provide an outside covered "country porch" area on two sides of the 24' x 14' structure and is central to the structures aesthetic value.

The spatial questions were addressed by, and answered satisfactorily to, the Office of Environmental Protection and Resource Management. I have difficulty understanding the imposing of such a significant hardship, considering that the building is already erected, based upon your assumed perception of the needs of the petitioner. If there were questions regarding our needs I should have had the opportunity to address those questions at the hearing. To construct a 10' x 16' x 15' tall structure in the front yard would be, in the interest of the general welfare of the neighborhood, a very poor compromise to the present design.

I am a serious wood-working hobbyist, the house has no basement, the 10' x 20' floor area of the utility structure is necessary to our needs as we see them.

2. "...structure...to be placed a minimum of 2.5' from the existing chain link fence."

(2)

As the subject of code set-back was addressed at the 2/14/91 hearing I merely question the language quoted above as it differs significantly from the stipulation as worded and agreed to at the hearing. Your statement at that time was that the structure be 2.5' from the property sideline. At the hearing I acknowledged my understanding of that requirement and stated that I would comply.

As a point I submit that we have had a preliminary survey conducted. The survey was able to locate some of the original survey monuments. The result of that survey, utilizing the same +/- .15' limits perpetuated from the original plat survey, indicates that the building be moved .53' (7 1/2") +/- .15' NNE. I have the obligation the methods and the ability to conform to that agreed to restriction.

I believe that the arguments and questions presented here are valid and deserve your serious and timely consideration. The dimensional change for the structure will create a very serious and costly hardship for us. It will effectively require that I tear down the structure and start anew. I do not believe there is sufficient cause for us to be chastised to that degree without showing a clear detriment to the community.

I readily admit my oversight at the beginning of this travail. In retrospect I should not have acted on advice that was not checked out. I do however believe that we have paid a significant price for that oversight. We have taken all of the steps indicated to atone for those oversights. I expect to be granted a full pardon and henceforth, be treated as a tax-payer in good standing.

I appreciate your consideration of these arguments and anxiously await your opinion.

Very truly yours,
Gilbert L. Kerr
Gilbert L. Kerr
Linda L. Kerr

Mr. & Mrs. Gilbert L. Kerr
3107 Newton Road
Baltimore, Maryland 21219

March 10, 1991

Baltimore County Government
County Board of Appeals
Office of Planning and Zoning
Re: Petition for Zoning Variance
3107 Newton Road
Case No. 91-224-A

Upon receiving a negative response to my plea for reconsideration of some of the conditions embodied in the approval to place a utility structure in the front yard in lieu of the rear yard, I wish to appeal to the board to reconsider my very serious hardship in conforming to those restrictions.

Very truly yours,

Gilbert L. Kerr

RECEIVED
3-20-91

Gilbert L. Kerr
3107 Newton Road
Baltimore Md. 21219

May 31, 1991

Baltimore County Government
County Board of Appeals
Office of Planning and Zoning

Re: Case No. 91-224-A

On the advice of your office I respectfully submit this plea for expedited handling of the subject case. The structure was necessitated by the deterioration of the existing utility shed which is termite ridden. The termites did swarm in the residence structure this spring requiring treatment in the area closest to the existing shed.

The lack of a suitable utility shed requires that I utilize living area to store materials and tools etc. that I am using to improve the inside of the house.

I fully appreciate that your case load is very heavy and this is not a big deal case but it is extremely important to my family and is really creating a hardship that we thought would be resolved six months ago.

I thank you for any favorable consideration we might receive.

Very truly yours,
Gilbert L. Kerr
Mr. & Mrs. Gilbert L. Kerr

Re-assign
7/2 @ 1:00

LAW OFFICES
OF
THEODORE A. CAVACOS
229 W. 36th STREET
BALTIMORE, MARYLAND 21201

CRITICAL AREA

TELEPHONE 467-6883
TELEPHONE 467-6888

THEODORE A. CAVACOS
DAVID E. HERMAN, REAL ESTATE DIV.

October 23, 1990

Mr. John R. Alexander
Baltimore County
Zoning Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: 3107 Newton Road

Dear Mr. Alexander:

Enclosed please find three Petitions for Zoning Variance for 3107 Newton Road and my check in the amount of \$25.00.

Kindly contact me if anything further need be done at this time. Please send all receipts to this office.

Very truly yours,

Theodore A. Cavacos
Theodore A. Cavacos

TAC/mb
Enclosures

Re Assign of
Se-18-85

RECEIVED
OCT 23 1990
ZONING OFFICE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Gilbert L. Kerr

*3107 Newton Rd
21219*

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

*Eugene D. ...
Linda E. ...*

*3114 Roger Rd.
3114 Roger Rd.*

CRITICAL AREA 177

To Whom It May Concern:

Gary E. Eikenberg
Gary E. Eikenberg
President

41-2242 Not reviewed

Oct. 16, 1990

The structure as proposed will enhance rather than be detrimental to, the neighborhood.

Daily Tooth

PETITIONER
EXHIBIT 24

Oct 16, 1990

The structure, in conjunction with the removal of the two existing sheds, will be an enhancement to the neighborhood.

A. David Nantz
3411

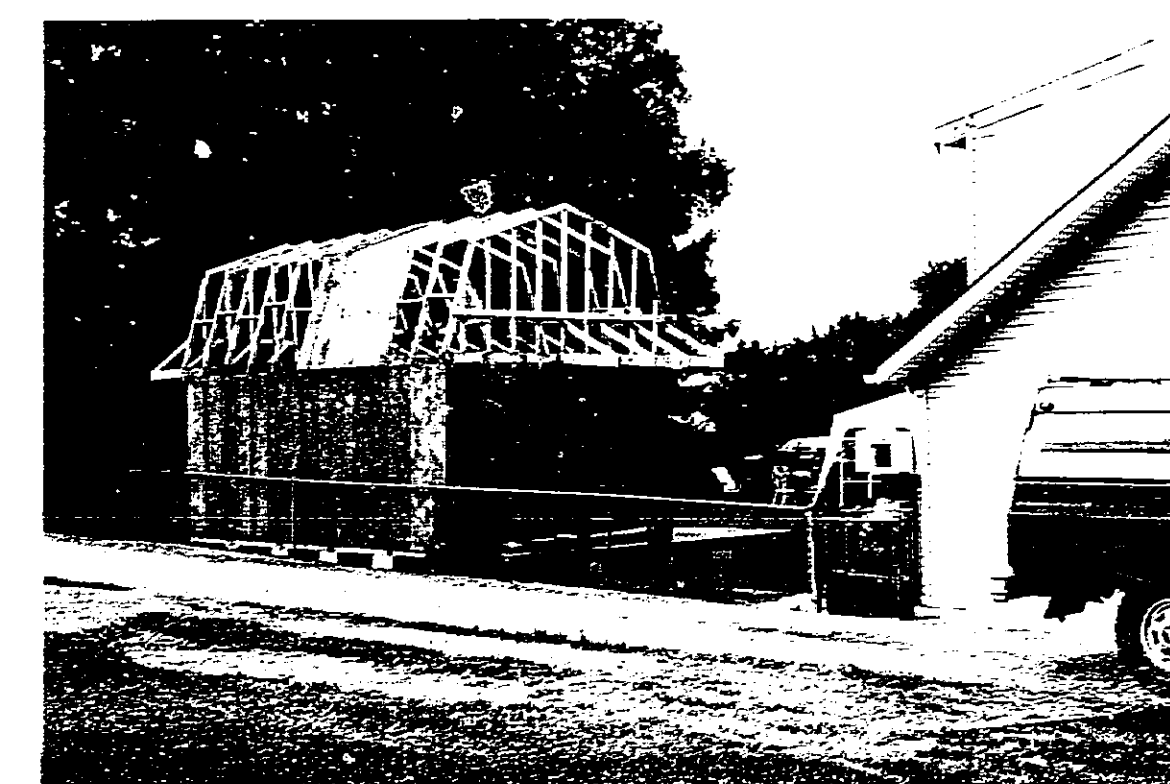
PETITIONER
J. _____ 23

3A



3 B

39



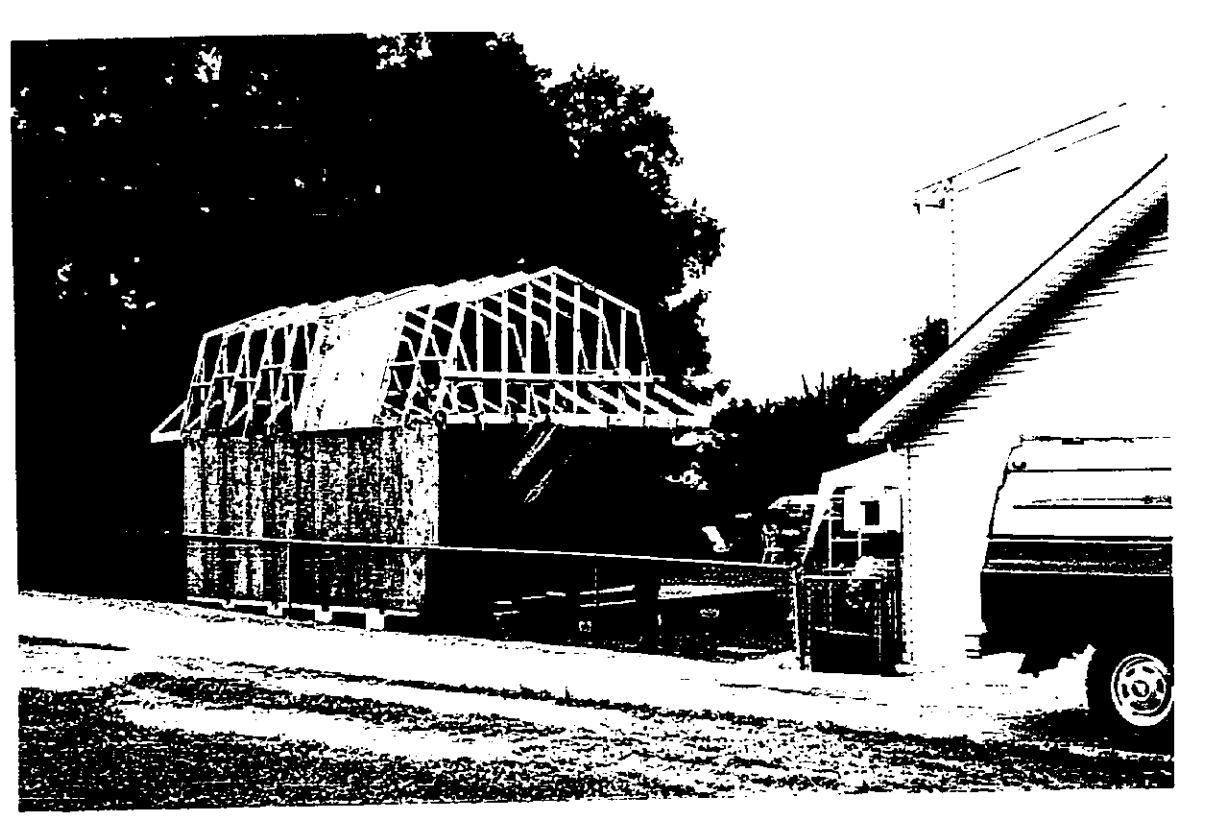
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3F

PETITIONER'S EXHIBIT #3

CASE • 91-224-A



36



34

PETITIONER'S EXHIBIT #3

CASE • 91-224-A



37



37

PETITIONER'S EXHIBIT #3

CASE • 91-224-A



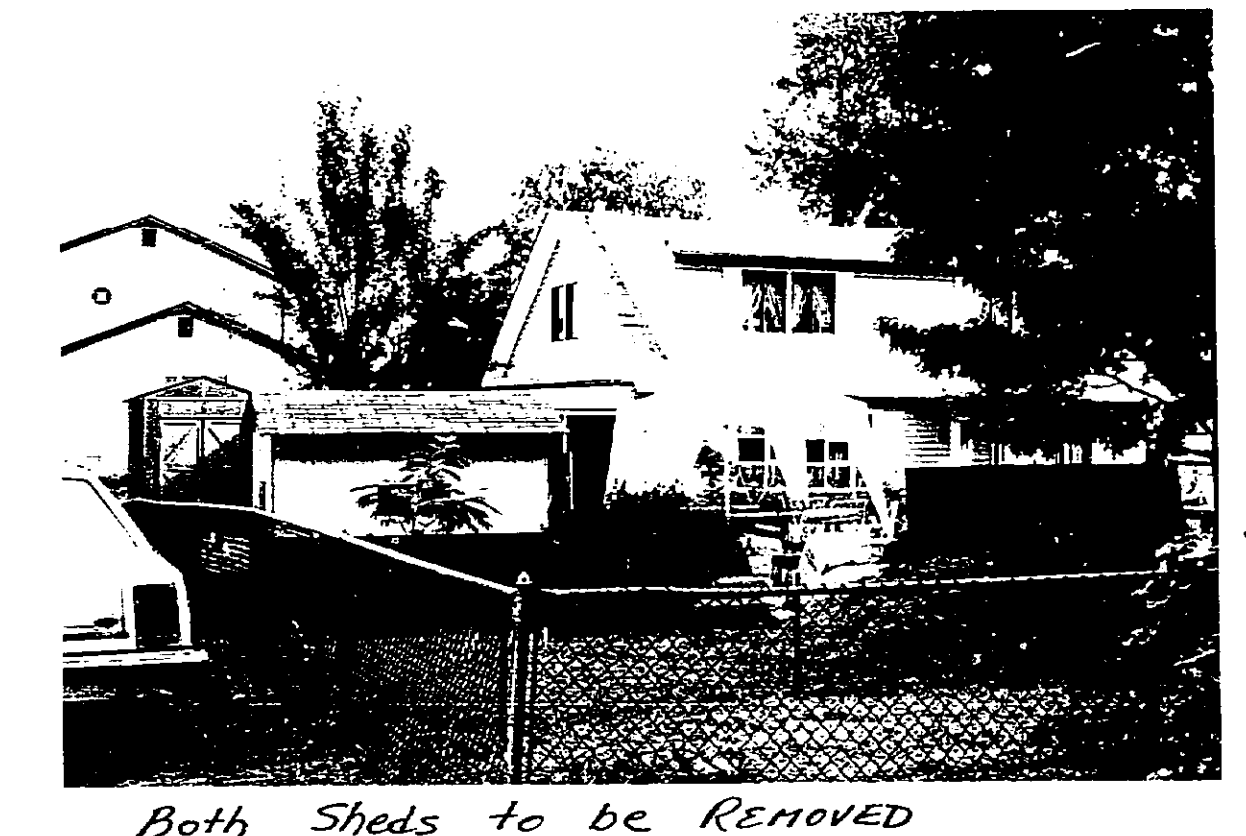
38



38

PETITIONER'S EXHIBIT #3

CASE 91-224-A



34

Both Sheds to be REMOVED



32

Water is not further obstructed.

PETITIONER'S EXHIBIT #



1A



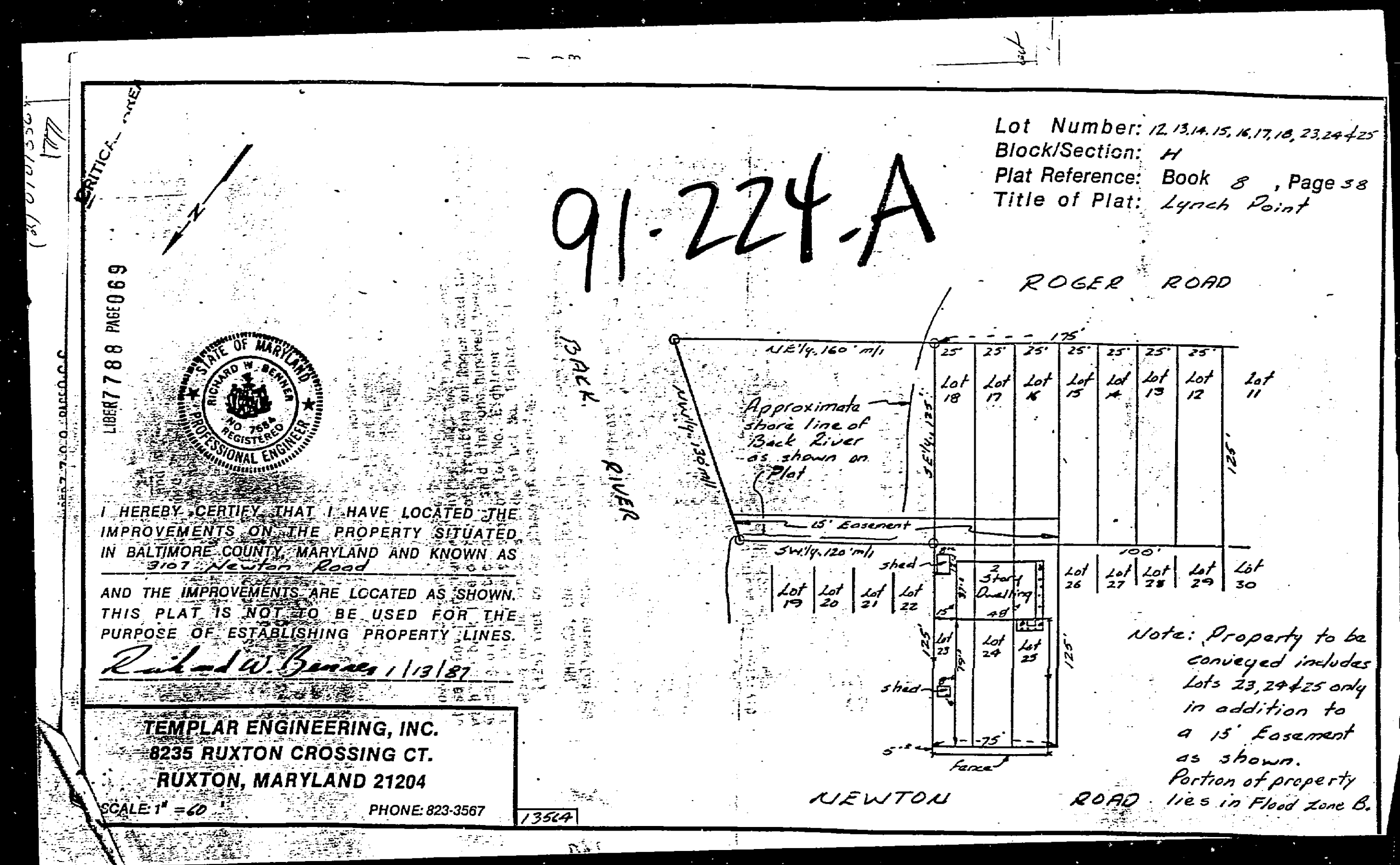
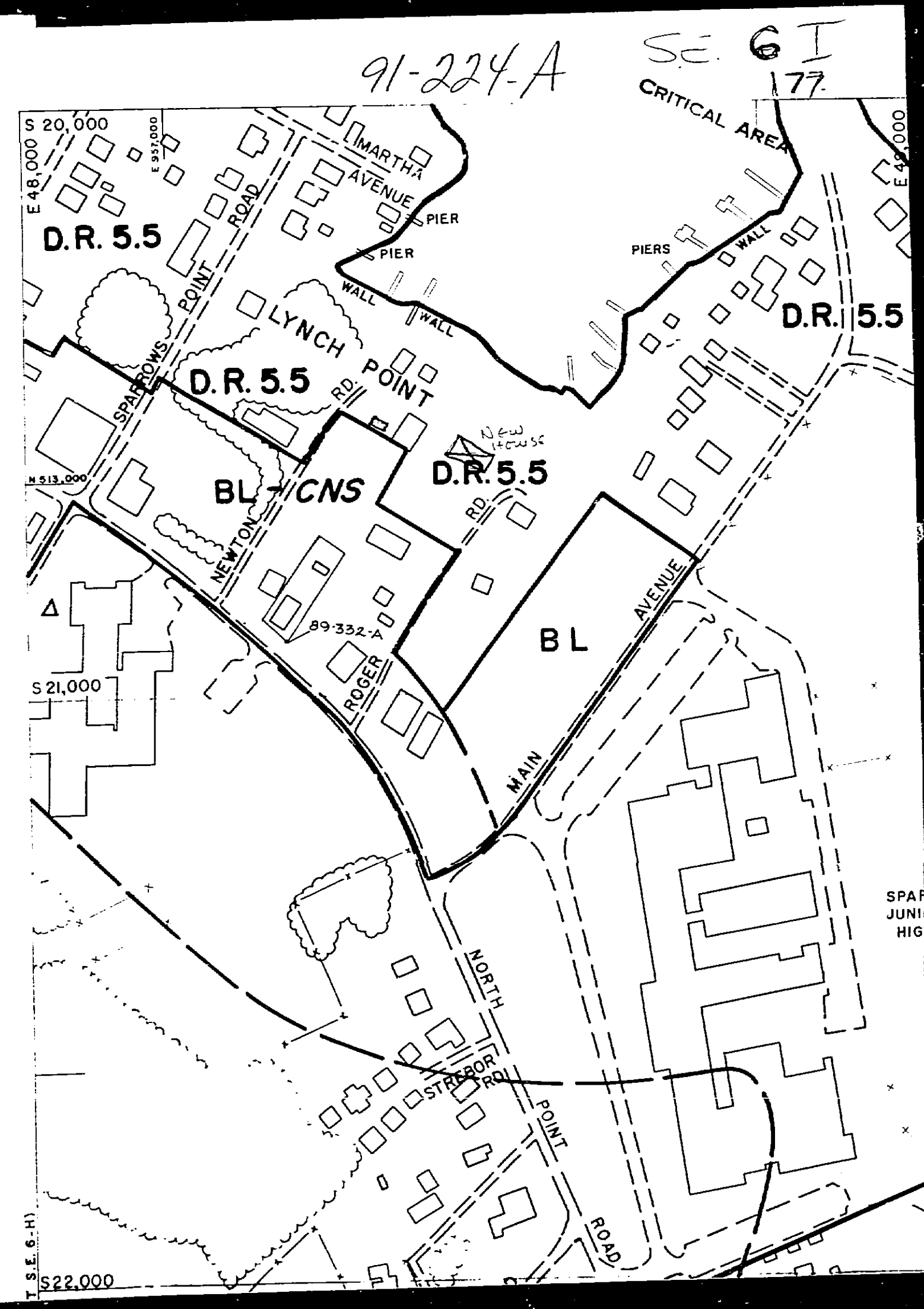
1C



1B



1D





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1966

LOCATION
NORTH POINT
EDGEMERE

SHEET
S.E.
6-

CRITICAL AREA
177

91-224.A